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1 STATE OF NEW YORK
CITY OF WHITE PLAINS

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4 Minutes of
City of White Plains
Open Space Recreation District
5 Public Hearing
October 1, 2012
6 10:00 PM
At
7 City Hall
255 Main Street
8 White Plains, New York
9

10

PRESENT:

11

MAYOR THOMAS M. ROACH

12

COMMON COUNCIL MEMBERS:

13

HONORABLE BENJAMIN BOYKIN, II

14

HONORABLE DAVID BUCHWALD

15

HONORABLE MILAGROS LECUONA

16

HONORABLE DENNIS E. KROLIAN

17

HONORABLE BETH N. SMAYDA

18

HONORABLE JOHN M. MARTIN

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21

ALSO PRESENT:

22

MS. ANNE McPHERSON

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Secretary to the Common Council

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PROCEEDINGS

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MAYOR ROACH: Okay. I call the
meeting back to order.

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The next item on our agenda is Item
5 Number Ten. It's a continuance of a
6 public hearing on the Draft Generic
7 Environmental Impact Statement in
8 relation to the Proposed Open Space
9 Recreational District and amendments to
10 the 1997 Comprehensive Plan as amended in
11 relation to land use and environmental
12 regulations and modifications to the
13 zoning map.

14

COUNCILMAN MARTIN: Mayor, I move
that the public hearing be opened.

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COUNCIL PRESIDENT SMAYDA: Second.

17

MAYOR ROACH: Seconded. All in
favor?

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COUNCILMAN BUCHWALD: Aye.

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COUNCILWOMAN LECUONA: Aye.

21

COUNCILMAN KROLIAN: Aye.

22

COUNCILMAN BOYKIN: Aye.

23

COUNCIL PRESIDENT SMAYDA: Aye.

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COUNCILMAN MARTIN: Aye.

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MAYOR ROACH: Opposed?

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1 PROCEEDINGS

2 (No response).

3 MAYOR ROACH: The hearing is open.
4 I just want to say that this is a
5 continuation of a hearing that was
6 already commenced at the last Council
7 meeting.

8 And I see a number of people that
9 want to speak twice in the same hearing,
10 which given the number of people who want
11 to speak, we will accommodate that. But
12 we ask you to bear in mind that it's your
13 second time at bat.

14 And we are going to call the people
15 who have not spoken at the hearing first.

16 So with that in mind, Madam Clerk
17 please call the first speaker.

18 MS. MCPHERSON: Al Gassman.

19 MR. GASSMAN: Al Gassman, Orchard
20 Street. I am on the Board of Directors
21 of Concerned Citizens for Open Space and
22 Central Westchester Audubon Society.

23 I live here. I work here. I
24 bicycle here. And I hike here. And I
25 support the Open Space Recreational

0004

1 PROCEEDINGS

2 District. Thank you.

3 MAYOR ROACH: Thank you Mr. Gassman.

4 MS. MCPHERSON: Patricia Cleary.

5 MR. CLEARY: It's Patrick.

6 MS. MCPHERSON: Sorry.

7 MR. CLEARY: Good evening, Mayor
8 Roach and Members of the Council. My
9 name is Patrick Cleary. I am a planning
10 consultant, here tonight to speak on
11 behalf of Westchester Hills Golf Club.

12 I submitted earlier today an 11-page
13 memorandum that addressed the OSRD as
14 well as the DGEIS in some detail. And I
15 would like to touch very briefly on some
16 of the highlights of that memorandum.

17 Over the course of many decades, the
18 City of White Plains has prudently and
19 appropriately guided its unprecedented
20 growth, and importantly, to the
21 preservation of the City's open space
22 through an array of environmental
23 controls, land use regulations, and
24 zoning tools.

25 The '77 Master Plan, the '97

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1 PROCEEDINGS

2 Comprehensive Plan, and the '06 update
3 are all examples of tools that recognize
4 the importance of the preservation of
5 open space. And they provided mechanisms
6 to achieve that goal.

7 An example of that is the rezoning
8 of the clubs to the R1-30 Zoning
9 District. That represented a very
10 pragmatic solution to not only the
11 preservation of open space, but it
12 recognized the property rights of the
13 individual property owners that were
14 involved in this.

15 I would argue the OSRD is an abrupt
16 change in that philosophy or that

17 long-term tradition of planning in the
18 City of White Plains. And it really is
19 an overreaction, in my opinion, to a
20 perceived threat.

21 Now in contrast to the array of
22 zoning tools that the City has available
23 to it today, the OSRD really represents
24 an unprecedented and really an
25 extraordinarily restrictive zoning tool.

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1 PROCEEDINGS

2 And it is that zoning tool, and those
3 restrictions in that zoning tool, that
4 ironically represent a situation that
5 will undermine the very uses that it's
6 designed to protect in the first place;
7 and an example of a law with unintended
8 consequences I believe.

9 The economic pressures facing golf
10 clubs today are well known. Since 2005,
11 358 golf clubs have closed nationwide.
12 157 last year alone. But you have no
13 more appropriate example of that than the
14 demise of Ridgeway.

15 Now those economic pressures on the
16 clubs, combined with imposing strict
17 zoning controls on those clubs, really
18 hamstring the opportunity for a club
19 like Westchester Hills to maintain its
20 viability and it is a recipe for
21 disaster.

22 Now what's wrong with the City's
23 existing land use zoning and
24 environmental controls in terms of their
25 ability to protect open space? I would

0007

1 PROCEEDINGS

2 argue nothing. I would argue that they
3 have for decades achieved that goal
4 commendably, and they are more than up to
5 the task of meeting the challenge facing
6 open space resources today.

7 There are a couple of examples. The
8 most obvious is the FASNY application
9 that preserves 84 acres of open space
10 permanently and in perpetuity. But more
11 importantly, the DGEIS that was prepared
12 in support of the OSRD evaluates a series
13 of alternatives: Full build-out under
14 R1-30, R1-60, various zoning districts.

15 And what your DGEIS concludes is
16 full build-out of the club sites doesn't
17 produce adverse significant environmental
18 impacts. That's an important thing to
19 glean from those analyses.

20 So what's the threat? Westchester
21 Hills will be economically viable if it
22 can do one of two things: Attract
23 members, a very difficult thing to do in
24 a period of economic uncertainty and when
25 golfing is declining nationwide; and the

0008

1 PROCEEDINGS

2 other thing it can do is improve its
3 facilities.

4 If you impose zoning regulations and
5 restrictions that so aggressively limit
6 their opportunities to improve the

7 facility, to expand, to enhance its
8 resources, they are up against it.

9 And if you know Westchester Hills,
10 most of the facilities are toward the
11 front of Ridgeway. And the OSRD would
12 impose restrictions that place most of
13 those improvements in a prohibited
14 setback.

15 So by virtue of that imposition,
16 they are already non-conforming. The
17 ability to improve that site is really
18 non-existent. And if they go behind the
19 buildings, there is a golf course in the
20 way. So they are really between a rock
21 and a hard place, quite literally.

22 The City's existing land use zoning
23 and environmental regulations, which
24 evolved over decades during a period
25 really of unprecedented growth for the

0009

1 PROCEEDINGS

2 City of White Plains, did a pretty good
3 job. And I would argue those are the
4 kinds of tools that the City should rely
5 on. Those are the tools that the DGEIS
6 evaluated in some detail.

7 And I think those are the most
8 suitable tools available to preserve open
9 space in the City of White Plains moving
10 forward. The OSRD crosses a line. It's
11 a reactionary response and it's an
12 excessive over-regulation, one that will
13 put Westchester Hills in a very difficult
14 position. I would argue and urge you not
15 to approve the OSRD. Thank you.

16 MAYOR ROACH: Thank you.

17 MS. MCPHERSON: Dan Siedel.

18 MR. SEIDEL: Common Council,

19 Mr. Mayor, I apologize for the crack from
20 before on the record.

21 Dan Seidel, Hotel Drive. I live on
22 the golf course on Ridgeway. The Open
23 Space Recreation District was originally
24 submitted by the Concerned Citizens for
25 Open Space, Eco Neighbors, and a group of

0010

1 PROCEEDINGS

2 ad hoc citizens concerned about the loss
3 of the last mega open space corridor in
4 White Plains, which consists of New York
5 Hospital, Burke Hospital, Ridgeway Golf
6 Course, as well as Westchester Hills and
7 a piece of Fenway.

8 The Maple Moor Golf Course is
9 already designated as a County Park, but
10 it's got a state designation and they
11 need special legislation to remove that.
12 So anything we do here will not affect
13 Maple Moor Golf Course.

14 We submitted in the draft scoping
15 outline, comments that were through
16 August 19, 2011, Exhibits 27 and 26,
17 which are not discussed at all in the
18 DGEIS. We asked for them to be
19 discussed. They are very, very viable
20 alternatives. Nothing has been discussed
21 about that.

22 The only discussion has been of a

23 private recreational facility, which has
24 been concluded in very short shrift that
25 it's not viable. Well, that's not what

0011

1 PROCEEDINGS

2 we are looking for. If you look on those
3 pages, you will see the actual
4 submissions that were made. They are
5 very, very well written and cogent.
6 Assemblyman Castelli was also contacted,
7 if you look in the Eco Neighbors
8 addendum, as to various funding sources.

9 We had thought that our Planning
10 Department in White Plains would
11 undertake a proactive role and actively
12 seek out to coordinate various funding
13 sources that would be available on a one
14 time shot, such as grant money. Open
15 Space Institute. Teatown Reservation. A
16 bunch of these places. I know Teatown is
17 connected with Jeff Thompson and FASNY.
18 But a bunch of these places have several
19 millions of dollars available, including
20 storm water grants.

21 I will give you just an example from
22 March 11, 2012. The County promises
23 flood mitigation money to Larchmont
24 Mamaroneck, \$22.3 million of a grant.
25 It's entirely conceivable if we pull

0012

1 PROCEEDINGS

2 together. Our Planning Department should
3 be working on this proactively. I don't
4 know why it's not an alternative as well;
5 it should have been discussed.

6 If we can pull together about
7 \$6 million in outside funding, it's not
8 going to be a taking if we exercise
9 eminent domain on the Ridgeway property,
10 and do take the property and turn it into
11 a purely public purpose, which is the
12 preserve and the horticultural center and
13 the Stone Barn-type restaurant, which
14 will generate sales tax revenue for White
15 Plains.

16 This is a revenue growth place and
17 it could be purely public. The Bonnie
18 Briar case is instrumental in teaching us
19 that. Indeed it's the law of the land,
20 the U.S. Supreme Court has upheld this
21 and they have not entertained the appeal
22 of that for purely public purpose,
23 regardless of the highest and best use or
24 motives of the Board or Agency or the
25 Lead Agency.

0013

1 PROCEEDINGS

2 It is entirely possible for us to
3 exercise eminent domain, take the
4 property, cobble together some sort of
5 coalition, and buy the FASNY property and
6 truly turn it into a Central Park.

7 We will have educational
8 opportunities. We will have a
9 horticultural center that will be growing
10 vegetables and or other items for sale to
11 the local restaurants. This is an
12 example of urban farming, if you will.

13 Again nitrogen farming brings in
14 money. If you look at the DGEIS. I
15 spoke to David Kavinga of the County.
16 There is money available for mitigation
17 in terms of taking the pollutant loads
18 out of the Mamaroneck Sewer River Valley.

19 And I have had conversations with
20 David about this and, yes, there is money
21 if we can prove that sort of verifiable
22 empirical data. Our Planning Department
23 should be working on this as well.

24 I would beg that you actually go
25 back and review the alternative number

0014

1 PROCEEDINGS

2 four as it is posited in the comments.
3 We actively look at this as an
4 alternative. This is a most crucial
5 thing that you must do. The ordinance
6 that we submitted was copied from the
7 Town of Mamaroneck, and has that Court's
8 imprimatur of approval.

9 Again, the DGEIS does not discuss in
10 4.5, traffic analysis, does not discuss a
11 cumulative impact of a peak flow of the
12 complement of Stepinac, FASNY, OLS,
13 Burke, New York Hospital, St. Agnes, the
14 New Lutheran Church build-out, the German
15 School, and a few others.

16 If you look in the DGEIS on traffic
17 conditions that would have to be changed
18 if FASNY was actually built, there are
19 two pages of road improvements that are
20 recommended. Widening left-hand turns,
21 right-hand turns, stop lights, things
22 like that.

23 There are just a number of things
24 that need further examination. And I
25 would beg you to actively involve the

0015

1 PROCEEDINGS

2 alternative that we did propose and
3 explore that. Thank you.

4 MAYOR ROACH: Thank you, Mr. Siedel.

5 MS. MCPHERSON: Elizabeth Kurth.

6 MS. KURTH: Mayor, Common Council, I
7 am a resident of Gedney Farms. I live at
8 5 Richbell, which is basically at the
9 corner of Ridgeway and Richbell.

10 I just want to say that in what I
11 have had a chance to review of the
12 proposal before the Council this evening
13 for the multi-home development, it
14 appears to me that FASNY contributes
15 significantly more to the open space of
16 the neighborhood, in addition to which it
17 also contributes significantly more to
18 White Plains as a community in bringing a
19 multi-cultural organization to us. Thank
20 you.

21 MAYOR ROACH: Thank you.

22 MS. MCPHERSON: Christina Clarke.

23 MS. CLARKE: I'm Christina Clarke.

24 I live at 37 Prescott Avenue in White
25 Plains. There is a lot of talk in the

0016

1 PROCEEDINGS

2 OSRD about setbacks. A lot of talk of

3 setbacks. And I think that this plan
4 sounds like a major set back. A set back
5 for the Town. A set back for the people
6 of White Plains. A set back for future
7 generations.

8 For a sports park, clustered
9 housing, McMansions possibly, all of
10 these options raise more questions than
11 they answer. And none of these options
12 are as appealing as the FASNY plan.
13 White Plains needs and wants a large
14 intact area. An open space that is open
15 for all. A diversified habitat that is
16 visually pleasing, that concentrates
17 development on the main road.

18 I am speaking for myself, a taxpayer
19 who helped fund the study. But I'm not
20 alone. The choice is in your hands right
21 now. It is set backs or advancement.
22 And white Plains needs advancement now.
23 Please vote down this OSRD.

24 MS. MCPHERSON: Tim Katchatorian.
25 MAYOR ROACH: I think he left.

0017

1 PROCEEDINGS

2 MS. MCPHERSON: Paula Piekos.

3 AUDIENCE MEMBER: She had to leave.

4 MAYOR ROACH: So at my discretion,
5 we will permit -- we have a number of
6 people who already spoke at this hearing.
7 Normally we don't let them speak twice in
8 one hearing. But we have a little time
9 so we will allow it.

10 I would just ask you to bear in
11 mind, again, that -- Dan is already
12 signalling that he wants to get up again.
13 See, this is the problem with doing this,
14 specifically that Dan will ask to speak
15 again-- Dan, I'm just joking. But I
16 think timing-wise we are okay. We will
17 permit it. There is not that many
18 people.

19 MS. MCPHERSON: Terrence Guerriere.

20 MR. GUERRIERE: Thank you all for
21 allowing me to expand my comments.

22 My name is Terrence Guerriere. I
23 live at 14 Dupont Avenue.

24 Tonight I speak as President of the
25 Gedney Association. While my remarks

0018

1 PROCEEDINGS

2 reflect the perspective of the Gedney
3 Association, some or all may apply to
4 other South White Plains neighborhoods
5 and other parts of the City as well.

6 We appreciate the Council
7 undertaking this process accomplish a
8 comprehensive and long-term approach to
9 open space, while maintaining the
10 character, quality of life, and viability
11 of the neighborhoods which surround the
12 400 acres of land which is the subject of
13 the study.

14 The DEIS provides clear guidance and
15 caution on the monumental nature of the
16 decisions that you will make at the
17 conclusion of this process when on page
18 I-15 of the executive summary it states:

19 The loss of these specific golf courses
20 as an open space and recreational
21 resource of large parcels of open space
22 would be likely irretrievable once they
23 are converted to another use in the
24 future.

25 The Gedney Association is eager to
0019

1 PROCEEDINGS

2 be part of and support the effort of
3 preserving open space. During the
4 process we request the formation of a
5 long-term study project to maintain the
6 character and quality of the life of the
7 neighborhoods which surround Westchester
8 Hills and the former Ridgeway Country
9 Club in concert with the preservation of
10 open space.

11 We have reviewed the DGEIS and have
12 the following observations and
13 recommendations for your consideration.

14 Creating an open space system. This
15 process provides a unique opportunity for
16 the Council to create a unified open
17 space framework for the next 50 years.
18 The value of these open spaces is in
19 having defined and preserved, a
20 remarkable series of neighborhoods well
21 known to everyone in our community. The
22 opportunity is now presented to learn
23 from the achievements of the past,
24 establish a vision for the future, and
25 formulate new planning and environmental

0020

1 PROCEEDINGS

2 criteria to guide the implementation of
3 land use policy for the benefit of the
4 entire community.

5 To avoid a piecemeal approach, the
6 individual parcel analysis should be
7 supplemented by a comprehensive open
8 space vision for the future.

9 Impacts. The neighborhoods have
10 developed around golf courses over a
11 period approaching 100 years, and there
12 is a balance and symbiotic relationship
13 between these properties and their
14 surroundings.

15 Throughout the DGEIS, there is a
16 suggestion that there will be no impact
17 until development proposals are received,
18 and the impacts are evaluated and
19 disclosed at that time.

20 We believe it is imperative to
21 establish a baseline of future impact
22 analysis. This baseline should be the
23 current conditions against which all
24 proposed actions should be measured in
25 terms of existing traffic, volume,

0021

1 PROCEEDINGS

2 parking supply, utility demands,
3 impervious coverage, noise levels, visual
4 character, night lighting effects, and
5 property taxes.

6 Neighborhood character. We
7 recommend important elements of the
8 character of the existing neighborhoods

9 be further documented to enable the
10 measurement of impact of the future
11 development on these qualities.
12 Currently, the neighborhoods are
13 residential in character and golf courses
14 worked well as neighbors. Their active
15 use was limited to six months a year,
16 mostly during the day. They provided
17 views and vistas that were important to
18 neighbors walking in the streets, as well
19 as many other homes along the perimeter.
20 Nighttime traffic, noise, and lighting
21 were very limited, and there was very
22 limited use of neighborhood streets for
23 vehicular traffic.
24 These should be the threshold of
25 comparison to any future development to

0022

1 PROCEEDINGS

2 fully identify the impact to the
3 surrounding community and homes.
4 Visual impact. There are many views
5 and vistas that are known to be important
6 to the community and are a critical
7 ingredient to the community's character.
8 Most of the visual analyses in the
9 DGEIS have been photographs of homes in
10 the neighborhood which naturally will
11 remain, but there is little documentation
12 of the views and vegetative character of
13 the open spaces which will be impacted by
14 the proposed alternatives.
15 In addition, the photos taken during
16 the summer should be supplemented with
17 winter views with the leaves off the
18 trees to provide a complete baseline for
19 evaluating future development. There are
20 very few photos taken of the open space
21 from their perimeter to permit future
22 analysis of how it may change.
23 Contemporary building/planning
24 standards. It is common in many
25 contemporary zoning ordinances to reflect

0023

1 PROCEEDINGS

2 the effect of protecting wetlands, steep
3 slopes, hydric soils, water courses, and
4 significant specimen trees in the
5 calculation of the net development
6 density of undeveloped properties.
7 This is an opportunity to
8 incorporate these sustainable planning
9 approaches in our zoning ordinance to
10 provide a sound basis for evaluating
11 future projects, to avoid excessive
12 development, and the loss of values
13 important to all of our neighborhoods.
14 Clearly, buffers consistent with the
15 preservation of both environmental
16 characteristics and neighborhood
17 character should be part of the zoning
18 ordinance now. Let's not wait for the
19 future.
20 The Comprehensive Plan will continue
21 to be your guide for future use of this
22 property; that is open space uses that
23 preserve and protect the residential
24 character of the surrounding

25 neighborhoods. We caution careful

0024

1 PROCEEDINGS

2 deliberation before modifying the
3 Comprehensive Plan and removing the
4 protections that give this Council the
5 discretion and consistency and policy
6 that they need in reviewing future
7 proposals.

8 We very much appreciate the
9 opportunity to speak tonight. Thank you.

10 MAYOR ROACH: Thank you.

11 MS. MCPHERSON: Seth Mandelbaum.

12 MR. MANDELBAUM: Good evening.

13 Thank you for the opportunity to speak.

14 I will be very brief.

15 My name is Seth Mandelbaum and I
16 represent Westchester Hills. I did
17 submit comments, written comments from
18 Mr. Patrick Cleary, professional planner,
19 who you heard from a few moments ago. I
20 am not going to reiterate his comments.

21 I would just harken back to my
22 comments from last month. Westchester
23 Hills opposes the rezoning and urges the
24 Council to consider one of the
25 alternatives set forth in the DGEIS,

0025

1 PROCEEDINGS

2 which of course is fully within your
3 discretion under SEQRA regulations.
4 Thank you.

5 MS. MCPHERSON: Michael Zarin.

6 MR. ZARIN: Good evening. I will
7 try to make it brief, although it is very
8 difficult for me, as you all know. My
9 name is Michael Zarin, with the law firm
10 of Zarin & Steinmetz on behalf of the
11 French American School of New York.

12 I was compelled to speak tonight
13 again basically because we learned after
14 the DGEIS had been deemed complete at the
15 hearing that was commenced previously,
16 that the preliminary thinking,
17 quote-unquote, of at least the Planning
18 Department had changed, that the R1-60
19 conservation plan alternative seemed to
20 now be the preferred action.

21 That sequencing, for some of us that
22 have been involved in SEQRA, and maybe
23 some of you, was somewhat strange in the
24 sense that typically one waits until the
25 hearing is complete, and arguably

0026

1 PROCEEDINGS

2 probably the process should have been --
3 the DGEIS probably should have been
4 rescinded and started over with the R1-60
5 conservation plan as now the preferred
6 action.

7 But I'll try to respond
8 appropriately to that change of events.
9 First, it was not clear from subsequent
10 statements -- to the Council, the
11 Planning Board, and Traffic Commission --
12 by the Planning Department whether even
13 in the context of the R1-60, whether the
14 recommendation continued to be the lot

15 coverage and setback requirements that
16 are currently in the OSRD.
17 As many of you know, if that is the
18 recommended proposal, it's unfortunate.
19 But I need to reiterate and make clear
20 that FASNY -- again, one of really the
21 two targeted properties under the OSRD
22 zoning proposal -- vehemently would
23 object to such constraints as
24 unwarranted, considering the objectives
25 of the OSRD, overly onerous, since again

0027

PROCEEDINGS

1 not a single White Plains School, public,
2 private, or park could meet those lot
3 restrictions and lot coverage and set
4 backs; that it would be inconsistent with
5 the established law favoring special
6 permits for schools in a case by case
7 consideration versus global zoning.

8 And we think, again, it would be
9 patently illegal as it would have the
10 effect and intent of prohibiting the
11 school as proposed from being built on
12 the Ridgeway property.

13 If the lot coverage and setbacks are
14 enacted as proposed, unfortunately, it
15 would create the proverbial train wreck.
16 Leaving no choice but for FASNY and the
17 City to engage in protracted, costly, and
18 unnecessary litigation because it would
19 essentially preclude our proposal;
20 especially in light of FASNY's belief
21 that our proposal before the Council
22 meets the objectives of the OSRD better
23 than any of the alternatives considered
24 in the DGEIS.

0028

PROCEEDINGS

1 Now putting that aside, the R1-60
2 alternative is flawed in various regards.
3 First, from a strict SEQRA perspective,
4 there really is very little meaningful
5 impact analysis in the current DGEIS on
6 the R1-60 alternative. When you read it,
7 there is really just one or two lines per
8 impact.

9 For example, for open space, which
10 is really the rationale for the OSRD,
11 there is really very little discussion of
12 the consistency between the open space
13 and the R1-60 and the objectives of the
14 Comprehensive Plan, how the open space
15 would function, and what would be in the
16 open space. Indeed, the lot count is
17 even wrong because it's 39 units not
18 including any property that has hydric
19 soil on it.

20 Now we have tested the hydric soil.
21 And the hydric soil is not regulated
22 wetland. So that would add to the lot
23 count, under the conservation plan, at
24 least another 11 homes. So the R1-60

0029

PROCEEDINGS

1 conservation plan would be a minimum of
2 probably 50 homes, and that would
3 restrict the open space and create a very

5 different overall development scheme and
6 the objectives of a 75-foot,
7 quote-unquote, buffer walking trail.

8 Again, there is no discussion of are
9 those going to be public, are they
10 landscaped, are they going to be in
11 people's backyards, or who is going to
12 maintain those.

13 And the, quote-unquote, active
14 recreation. What are the potential uses
15 of this active recreation area on
16 Ridgeway? The impacts, fields, lights,
17 parking, publicly accessible and the
18 like. Who is going to maintain and
19 secure this open space?

20 I know that's been a major issue
21 that you have challenged FASNY with
22 respect to our Conservancy. Is the
23 neighborhood association really going to
24 preserve, quote-unquote, 75-acres of
25 quality high grade open space? Most of

0030

1 PROCEEDINGS

2 the space I have seen in these types of
3 developments are lawns and the like.

4 There has been very little
5 discussion of community character. And
6 no visual analysis. I think I agree with
7 Terrance. There is no discussion of the
8 sizes of the homes. Most of it is
9 clustered in the most sensitive
10 environmental site, Parcel D, up against
11 the ponds, steep slopes, rock outcrops,
12 and the like.

13 Suffice to say, I think the Council
14 finds itself in somewhat of a conundrum.
15 There does not seem -- with respect to
16 the OSRD -- there does not seem to be a
17 lot of support for the private
18 recreational, quote-unquote, preferred
19 action. Quite frankly, I don't think
20 there is a tremendous amount of support
21 for a 50-unit subdivision on the site, if
22 maximizing and preserving quality open
23 space consistent with the Comprehensive
24 Plan is the goal here.

25 I have heard testimony from some

0031

1 PROCEEDINGS

2 that the criteria should be severe
3 limitation of traffic, low density use of
4 property, inclusion of only passive
5 non-active recreation, significant
6 buffers, yet be a tax generating use.

7 And quite frankly, I don't know how
8 to reconcile those criteria. The only
9 two proposed uses so far by some very
10 learned and intelligent, experienced
11 people has been the preferred recreation
12 and the R1-60 cluster.

13 In fact, the next speaker spoke and
14 said botanical gardens because, quote,
15 once housing is built you lose open space
16 that you never get back.

17 There also seems to be, finally, an
18 inherent tension in the hearing -- this
19 hearing, the OSRD, and the hearing we had
20 approximately a week ago. At the FASNY

21 DIS hearing, most of you were very
22 patient in attending. There was a lot of
23 sort of minimizing of the Conservancy.
24 AUDIENCE MEMBER: Respect the time.
25 MAYOR ROACH: Please don't speak out

0032

1 PROCEEDINGS

2 in the audience.

3 MR. ZARIN: People -- a lot of
4 people said, look, we really shouldn't be
5 concentrating on the FASNY Conservancy.
6 This is a school. And there really was a
7 minimizing of the whole concept of the
8 Conservancy and the 84 acres and the
9 plans for this Conservancy.

10 Yet here we are today with respect
11 to the OSRD, where the express purpose of
12 the OSRD and the possible rezoning of the
13 site is to maximize and preserve open
14 space, which is exactly what the French
15 American School had in mind when it made
16 the proposal for the campus and the
17 Conservancy without requiring mitigation
18 and the like.

19 So that contradiction, at least to
20 me, sort of reveals the tension and the
21 difficulty in reconciling these two
22 processes.

23 Again, we would recommend and hope
24 that the Council would adopt the No
25 Action. Let the FASNY proposal that's

0033

1 PROCEEDINGS

2 before you play itself out in the SEQRA
3 process. Judge it on its merits. Apply
4 the powers that I thought Pat Cleary
5 eloquently elaborated, that you all have
6 enacted over the years, including 2010,
7 and go from there. Thank you very much.

8 MAYOR ROACH: I wasn't clear when
9 you said that "you challenged". I don't
10 ever remember challenging FASNY on
11 anything. You said "you challenged" in
12 addressing the body, you used the term, I
13 believe, "you challenged".

14 MR. ZARIN: No. No. If I
15 did Mayor --

16 MAYOR ROACH: I am not getting where
17 that is coming from. I have not heard
18 anyone on the Council challenge FASNY on
19 anything.

20 MR. ZARIN: I'm sorry. I'm sorry.
21 When we were preparing the scope and when
22 we were preparing the DIS, we had
23 discussions on the DIS and the like, and
24 the completeness of the DIS; one of the
25 primary issues that we were asked to

0034

1 PROCEEDINGS

2 elaborate upon in the DIS before it was
3 deemed complete that we elaborated on was
4 the maintenance of the Conservancy, the
5 security that would be provided under the
6 conservancy, how it would be maintained,
7 who would maintain it, would we have the
8 resources to maintain it, how would we
9 maintain it, and the like.

10 So that was a very important issue

11 that we were asked to respond to in our
12 DIS when we were preparing it, by your
13 staff working on your behalf. And it was
14 one of the important criteria that we
15 were told that we had to address before
16 the DIS would be deemed complete.

17 And the community has also
18 challenged us on that issue, because it's
19 an absolutely legitimate issue that we
20 took very seriously. And we continue to
21 take very seriously, because if we are
22 going to provide 84 acres of open space,
23 we have to demonstrate to the community
24 and to the Council that that open space
25 is going to be of a quality and a

0035

1 PROCEEDINGS

2 functioning to be consistent with the
3 Comprehensive Plan. So we took that role
4 seriously, and that's why I raised it in
5 the context of the R1-60 conservation
6 plan. Because it receives very little
7 discussion in the DGEIS as compared to
8 how we addressed it in our DIS.

9 MAYOR ROACH: You and I view
10 "challenge" differently.

11 MR. ZARIN: Sorry. I use
12 "challenge" in a very non-aggressive way.

13 MAYOR ROACH: Alright. Thank you.

14 MS. MCPHERSON: Diego Villareale.

15 MAYOR ROACH: Let's try to stick to
16 the five minutes if you could, sir.
17 Because I am giving the discretion of
18 another round here, and it's multiple
19 speakers.

20 MR. VILLAREALE: I will go quickly.
21 Good evening Mayor Roach and Members of
22 the Common Council. My name is Diego
23 Villareale. I am a professional engineer
24 with the firm of John Meyer Consulting.

25 I am here tonight on behalf of the

0036

1 PROCEEDINGS

2 French American School of New York. At
3 the last hearing, we spent some time
4 commenting on what was then considered in
5 the DGEIS the preferred alternative
6 consisting of a 55,000 square foot
7 building, 568 parking spaces, ten tennis
8 courts, and five soccer fields.

9 We also discussed the stringent
10 setbacks and coverage requirements which
11 would essentially prohibit the
12 development of at least the Ridgeway or
13 FASNY property.

14 It appears from the comments made by
15 the Planning Department, or its
16 consultant, that such alternative is
17 already being considered as possibly
18 unsuitable for the various properties
19 analyzed in the DEIS.

20 Tonight I would like to just spend a
21 few minutes discussing one of the
22 alternatives provided for the FASNY
23 property, which is the single-family
24 development alternative.

25 The EIS discusses several variations

0037

1 PROCEEDINGS
2 of the single-family home development,
3 including the R1-60 -- excuse me -- the
4 R1-30, R1-60, as well as conservation
5 developments for both of those
6 alternatives.
7 The residential layouts for the
8 FASNY property ranges from 39 lots to 60
9 lots, and are sporadically located
10 throughout the entire property.
11 As Mr. Zarin stated previously, the
12 lot count as currently proposed is
13 significantly under the estimated, since
14 the various alternatives assume that
15 residential lots could not be developed
16 on portions of the property which are
17 characterized as hydric soils based on
18 the Westchester County soil survey.
19 Utilizing these areas would
20 significantly increase the potential lot
21 count for all four of the residential
22 alternatives, as well as increase the
23 associated impacts such as increase in
24 impervious areas, increased storm water
25 runoff, and increased water and sewer

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1 PROCEEDINGS
2 usage.
3 In addition, the various impacts
4 associated with the development have not
5 been analyzed to the degree necessary to
6 determine if these impacts could even be
7 mitigated. Especially since two of the
8 most effected properties analyzed in the
9 EIS utilize the same infrastructure in
10 the vicinity of Ridgeway.
11 No analysis or evaluation of the
12 existing infrastructure surrounding the
13 two Ridgeway properties was provided. An
14 increased R1-60 conventional residential
15 layout could also easily accommodate 50
16 lots, 11 above what is illustrated on the
17 R1-60 site plan.
18 The 49 lots and required active
19 recreation areas would comprise
20 approximately 95 acres of the FASNY
21 property, leaving only 35 acres as
22 permanent open space. This is far less
23 than the FASNY campus proposal.
24 Even under the R1-60 conservation
25 development alternative, approximately 50

0039

1 PROCEEDINGS
2 homes could be developed, utilizing over
3 60 acres for single family homes, leaving
4 fragmented open spaces which is also far
5 less functional than the FASNY
6 Conservancy proposal.
7 It is important to note that the
8 proposed residential development
9 scenarios do not maintain large
10 contiguous portions of the property as
11 open space as intended by the OSRD and
12 the City's Comprehensive Plan.
13 It is also important to note as
14 illustrated on the EIS figures, a
15 majority of the residential lots, even
16 under the R1-60 alternative, would be

17 located adjacent to the most
18 environmentally sensitive site features
19 on the FASNY property, such as the
20 wetlands, water courses, and ponds.
21 The balance of the property would be
22 maintained as open space. However, due
23 to the layout of the residential
24 properties and the various locations of
25 the open space, it would be extremely

0040

1 PROCEEDINGS

2 difficult to maintain or function as any
3 kind of usable open space.

4 Not to mention what residential
5 developer would be willing to purchase a
6 property, develop it as single-family
7 residential, and maintain the balance of
8 the property as usable open space in
9 addition to the ten percent active
10 recreation area required by the White
11 Plains Ordinance.

12 The so-called active recreation area
13 would most likely be used as nothing more
14 than an open lawn area. Similar to the
15 preferred alternative, the viability of
16 the various residential alternatives was
17 not analyzed in the EIS.

18 The development costs associated
19 with single-family subdivisions,
20 including but not limited to the land
21 cost, infrastructure improvement cost,
22 development cost, and maintenance cost,
23 all must be evaluated to determine the
24 viability of the proposal.

25 All of the various development costs

0041

1 PROCEEDINGS

2 have a significant role in determining
3 the targeted home pricing which will
4 ultimately assist in determining if the
5 project is even viable.

6 I am not aware of any residential
7 development in lower Westchester County
8 which would develop and maintain up to
9 60 acres of its property as permanent
10 open space and still be considered
11 viable.

12 As described above, the alternatives
13 proposed in the EIS do not accomplish the
14 goals of maintaining open space to the
15 extent that the FASNY campus proposal
16 will. Thank you for your time.

17 MS. MCPHERSON: Graham Trelstad.

18 MR. TRELSTAD: Good evening
19 Mr. Mayor and Members of the Common
20 Council. My name is Graham Trelstad. I
21 am a senior vice-president at AKRF,
22 Inc., a planning firm here in White
23 Plains. I am representing FASNY tonight.
24 And I am also a resident of Westminster
25 Ridge Neighborhood since 1999.

0042

1 PROCEEDINGS

2 In my comments last month, I
3 presented several images and a table
4 demonstrating the applicability of the
5 proposed OSRD setbacks and lot coverage
6 standards to several public schools and

7 parks within the City of White Plains.

8 Our analysis shows that none of the
9 public or private schools within the City
10 could successfully meet either the
11 setback or coverage requirements proposed
12 within the OSRD.

13 Tonight I would like to address how
14 the Gedney neighborhood, the area within
15 which two of the subject sites considered
16 for rezoning to the OSRD are located, and
17 how the Gedney neighborhood is not unique
18 and deserving of any special zoning
19 protection.

20 To make this point, I will show you
21 seven different schools, two within White
22 Plains and five outside of White Plains,
23 all within older well-established
24 residential neighborhoods with open space
25 character.

0043

1 PROCEEDINGS

2 The purpose of this commentary is to
3 show that the Gedney neighborhood is not
4 unique and that there are several
5 residential neighborhoods either within
6 White Plains or in other Westchester
7 communities that successfully host
8 schools without compromising community
9 character or residential quality of life.
10 And I do have images of this that I can
11 pass around for the Council at the end.

12 This first board shows the area
13 surrounding the Edgemont Junior and
14 Senior High School campus in Greenburgh
15 at the top. The outline of the campus is
16 shown in red on the aerial. The campus
17 has approximately 948 total students.
18 Homes within the surrounding
19 neighborhood, including these two homes
20 on White Oak Lane, the main entrance road
21 to the school, and Round Hill Road, are
22 quite similar to some of the Tudor and
23 Colonial houses in the Gedney
24 Neighborhood.

25 They are set on larger lots, with

0044

1 PROCEEDINGS

2 mature vegetation, and are surrounded by
3 undeveloped areas that give this
4 neighborhood that open space feel. You
5 should also note that just north of the
6 Edgemont Campus is the Greenburgh Nature
7 Center, and a portion of the Scarsdale
8 Golf Club accessed off Old Colony Road.

9 The second set of images shows the
10 Scarsdale Middle School located on
11 Mamaroneck Road, not too far from the
12 Fenway Golf Club, a portion of which is
13 in White Plains. This school has
14 approximately 1200 students, the same as
15 FASNY, and it's surrounded by some very
16 stately homes, including these homes on
17 Kelwynne Road, one of the primary entry
18 routes to the school. Again, these homes
19 are similar in character to homes in the
20 Gedney neighborhood, and the overall
21 character of the neighborhood is similar
22 to the character of the Gedney

23 neighborhood.
24 The last set of images on this board
25 shows the Poet's Corner area of Hartsdale

0045

1 PROCEEDINGS

2 where the Solomon Schechter and Maria
3 Regina schools are located. Solomon
4 Schechter has about 430 students and Maria
5 Regina has about 530 -- so about 1,000
6 students in these two schools.

7 Again, these homes are pretty much
8 in character with the kind of homes you
9 would see in the Gedney neighborhood, as
10 to architectural character and in size.

11 This second board shows the
12 neighborhoods around Katonah Elementary,
13 and the Pleasantville Junior and Senior
14 High School campus in Pleasantville.
15 From the aerial photos you can see that
16 the residential lots are located
17 immediately adjacent to the school and
18 they are also surrounded by open space.

19 Finally, the last board shows two
20 residential communities within the City
21 of White Plains. One, my own
22 neighborhood, adjacent to the George
23 Washington Elementary School; and second
24 the Highlands Middle School.

25 Again, both show the kinds of

0046

1 PROCEEDINGS

2 character of homes we anticipate from
3 older well-established neighborhoods,
4 with mature homes, stately trees, and
5 open space character.

6 We would also note there are several
7 large open spaces surrounding each of
8 these areas.

9 This analysis demonstrates that
10 schools and residential neighborhoods are
11 quite common, and that there is nothing
12 really unique about the Gedney
13 neighborhood that requires special zoning
14 treatment to preserve the community
15 character and quality of life.

16 I would also like to comment on the
17 proposed R1-60 alternative that the DGEIS
18 includes, but does not really analyze.
19 The DGEIS contains a potential layout of
20 R1-60 conservation plan for the FASNY
21 property.

22 However, this plan fails to comply
23 with any of the principles of
24 conservation subdivision design. And it
25 fails to adequately protect the open

0047

1 PROCEEDINGS

2 space character of the property.

3 It is my opinion that the R1-60
4 alternative would not be consistent with
5 the City's Comprehensive Plan objectives
6 of preserving open space, environmentally
7 sensitive sites, or community character.

8 Instead of following the accepted
9 precepts of conservation subdivision
10 design, the proposed layout is a poorly
11 defined standard subdivision that simply
12 spreads the house lots across the

13 property to avoid environmentally
14 sensitive areas.
15 Lots 10, 11, and 34, for example,
16 ignore the steep slope along the front of
17 the property that would have to be
18 disturbed to gain access to the lot.
19 The subdivision layout shown is a
20 prototypical sprawl layout of housing
21 that fails to preserve open space
22 character. The lot sizes, although
23 reduced from the 60,000 square foot
24 requirement, do not match the size and
25 pattern of existing lots within the

0048

1 PROCEEDINGS

2 neighborhood. Thus, they are out of
3 keeping with the community character.
4 Nor does the layout successfully preserve
5 entire portions of the property as intact
6 open space.

7 The resulting peripheral open space
8 provided, for example the 75-foot buffer
9 around the edge of the property, would
10 not be considered useful open space, and
11 would more likely be considered an
12 extension of the private property
13 resulting from the subdivision.

14 See in particular the space behind
15 lots 1 through 9. This open space would
16 not be welcoming to the general public.

17 I'm almost done. If the City were
18 interested in preserving and maximizing
19 the open space character of the
20 assemblage of parcels, the supposed
21 objective of the OSRD proposal, a better
22 approach would be to allow the same
23 number of residential units on a smaller
24 portion of the property. Individual lot
25 lines would be avoided in favor of common

0049

1 PROCEEDINGS

2 ownership.

3 The resulting layout would place the
4 homes closer together in a tighter
5 community pattern - albeit perhaps not
6 reflective of the existing
7 neighborhood -- yet it would preserve
8 larger intact areas of open space that
9 would have higher habitat, public access,
10 and include visual access values.

11 In sum, the R1-60 Conservation Plan
12 shown in Exhibit 5-3D of the DGEIS fails
13 to preserve open space character, and
14 fails to meet even the most basic
15 principles employed in conservation
16 subdivision design.

17 In contrast, the proposed FASNY
18 campus plan clusters all of the school
19 buildings on Parcel A and the southern
20 portion of Parcel D, and preserves the
21 remaining 84 acres as intact open space
22 with high habitat value and generous
23 public access.

24 The objectives of the City in
25 preserving open space and open space

0050

1 PROCEEDINGS

2 character are met by the FASNY proposal

3 far better than the proposed R1-60
4 concept.

5 And I do have copies of my comments,
6 and the aerials, for the City Clerk.
7 Thank you for your time this evening.

8 MAYOR ROACH: Thank you.

9 Is there anyone else who wishes to
10 be heard at this hearing?

11 Please state your name and address
12 for the record.

13 MR. McGOVERN: My name is Phil
14 McGovern. I have been a resident of
15 White Plains since -- I will be 61 on
16 Halloween, so that's how long pretty
17 much, give or take a few years.

18 I would like to address the overall
19 issue of FASNY. I think that on the top
20 side of this thing, I, as a child, I
21 played on that property. On Ridgeway. I
22 ran through high school and then through
23 college, and still do cross-country
24 skiing there. And, you know, just
25 walking now. I don't run too much.

0051

1 PROCEEDINGS

2 And I think this is a once in a
3 generational proposal. You know, I have
4 stood at this podium so many times
5 talking about open space, about the New
6 York Presbyterian property. And, you
7 know, here it is.

8 We had the opportunity to buy this
9 property. Anyone who wanted to open a
10 sports facility had the opportunity to
11 buy this property. Anyone who wanted to
12 do a residential development had the
13 opportunity to buy this property.

14 I don't mean to insult the Council
15 at all, because I understand the
16 difficulty of the politics of this. But
17 this particular hearing is almost on a
18 sham proposal.

19 In the end, we will spend large
20 amounts of money defending the
21 indefensible. And when I think of, you
22 know, Ted Benjamin, The Concerned
23 Citizens For Open Space for the last
24 25 years fighting for this. For this.
25 It's like, my God, it's almost like

0052

1 PROCEEDINGS

2 serendipity. It's almost like it dropped
3 in our laps.

4 And you know, I understand the
5 neighborhood. I have a lot of friends in
6 Gedney. Some are for this and some are
7 not. Some are very adverse to this. I
8 understand. But the idea is this is a
9 once in a generational proposal for the
10 City of White Plains. We are bringing in
11 a renowned educational institution, an
12 international presence in our community.
13 It's almost like putting White Plains in
14 a whole different league.

15 I have lived next to the German
16 School. The greatest neighbors you could
17 have. They have added so much culturally
18 to the high school, to our educational

19 institutions. And we sit here -- and I
20 understand you guys have to do your due
21 diligence -- but this is in essence, you
22 know -- I used to have a friend who would
23 explain, you know, doing the obvious the
24 wrong way. It's like when your ear
25 itches and you do this. (Indicating)

0053

1 PROCEEDINGS

2 That's what we are doing here.

3 And I understand the Gedney
4 neighborhood. But in the end there is
5 58,000 citizens in the City. And this is
6 a transformative proposal. I spent the
7 last two weeks out in California at a
8 friend of mine's winery. A former White
9 Plains resident, Mike Benziger. 10 or
10 12 years ago he turned it -- my
11 friend turned it into a 100 percent
12 organic farm. All their wines are made
13 from organic soils. This, that, and the
14 other thing.

15 You can talk to anyone who does golf
16 courses. It's probably one of the most
17 polluting items that you can put
18 anywhere. I have walked through
19 Ridgeway, the property, and you can hear
20 the soil, you can hear it, just, it's
21 like it's breathing relief because it's
22 not being tortured everyday by pesticides
23 and chemicals. The water. The run-off.

24 We have an opportunity to create a
25 gem, a jewel in this community. And I do

0054

1 PROCEEDINGS

2 understand your political situation. But
3 this proposal -- it's almost a joke.
4 Because it's just not real. And every
5 single entity involved in this doesn't
6 want it other than a few people from
7 Gedney.

8 And at the end of the day, we are
9 sitting here bringing in a renowned
10 educational institution, a world class
11 educational institution. We are going to
12 get our Central Park. We are going be
13 handed -- whatever the final number is --
14 we don't know. 80 or 85 or 90 or
15 whatever of some of the best land right
16 in the center of the city. I don't even
17 understand what the discussion is. We
18 are going -- White Plains will lose in
19 court. And in the end -- and it's not an
20 insult to the Council -- I understand the
21 difficulty in this.

22 But the truth is this is like the
23 emperor has no clothes type of thing.
24 It's like guys, we see it, okay, we are
25 going to go through it. You know, we

0055

1 PROCEEDINGS

2 have the emperor and we have to give him
3 this little nice suit. But in the end
4 here, this is transformative. Once in a
5 generation.

6 And I just pray we are not going to
7 miss the opportunity. And I thank you
8 for this time.

9 MAYOR ROACH: Is there anyone else
10 who wishes to be heard with regard to the
11 hearing?

12 Ms. Gummowitz, did you speak?

13 MS. GUMMOWITZ: That was the other
14 item.

15 Yvonne Gummowitz, 50 Ethelridge.
16 First of all, the school images in the
17 neighborhood, the older neighborhoods,
18 those are very old public schools. Many
19 of the houses probably were built around
20 the schools. So this is not a
21 comparison. And for him to say that we
22 are not special, I take offense to that.

23 And secondly -- now I've lost my
24 point -- this is not just about this
25 Conservancy. It comes with 2,500

0056

1 PROCEEDINGS

2 additional car trips which is going to
3 completely close up the south end of
4 town.

5 And, you know, they could be
6 building Shangri-La, it's still attached
7 to this massive school. And to say that
8 the German School has brought a lot of
9 culture to this town, I have friends who
10 go there. I am German as well. And,
11 honestly, I don't see where the influence
12 comes; Oktoberfest, there was nothing.
13 Where is the contribution by the German
14 School to our town? I don't understand.
15 That's all I wanted to say.

16 Oh, and one more thing. This
17 constant harping about pesticides.
18 That's not even the case. We know that
19 Ridgeway stopped using pesticides five
20 years prior to closing. And to
21 constantly repeat this lie, I think is
22 just not right and I wanted to point that
23 out as well. Thank you.

24 MAYOR ROACH: Thank you, Ms.
25 Gummowitz.

0057

1 PROCEEDINGS

2 Is there anyone else who wishes to
3 be heard?

4 MR. BOTTI: I just have fifteen
5 seconds of something to say.

6 My name is John Botti. I live in
7 Greenwich, Connecticut. I am a FASNY
8 Trustee and a Conservancy Task Force
9 member.

10 Tomorrow, I will be submitting
11 copies of pesticide receipts that the
12 Ridgeway Country Club used as recently as
13 2010. I have the receipts and we will be
14 submitting them. Thank you.

15 MAYOR ROACH: Thank you.

16 Does anyone else wish to be heard?
17 (No response).

18 COUNCILMAN MARTIN: Mr. Mayor, I
19 move to close the public hearing.

20 MAYOR ROACH: Is there a second?

21 COUNCIL PRESIDENT SMAYDA: Second.

22 MAYOR ROACH: Seconded. All in
23 favor say aye.

24 COUNCILMAN BUCHWALD: Aye.

25 COUNCILWOMAN LECUONA: Aye.
0058
1 PROCEEDINGS
2 COUNCILMAN KROLIAN: Aye.
3 COUNCILMAN BOYKIN: Aye.
4 COUNCIL PRESIDENT SMAYDA: Aye.
5 COUNCILMAN MARTIN: Aye.
6 MAYOR ROACH: Opposed?
7 (No response).
8 MAYOR ROACH: The hearing closed.
9 (Public hearing is closed.)
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0059

1
2 C E R T I F I C A T E
3
4
5 STATE OF NEW YORK)
6 : ss.
7 COUNTY OF WESTCHESTER)
8
9 I, DONNA LOOMBA, Certified
10 Shorthand Reporter, do hereby certify:
11
12 That the foregoing is a true
13 record of the stenographic minutes taken
14 in the above-captioned matter.
15
16 IN WITNESS WHEREOF, I have
17 hereunto set my hand this 8th day of
18 October, 2012.
19
20
21
22
23 _____
24 Donna Loomba, RPR
25 Certified Shorthand Reporter